

Circuit Court and Records



FY 2010 LOBS Presentation

December 5, 2008

Agency Mission



- ◆ To provide administrative support to the 19th Judicial Circuit; to preserve, maintain and protect the public records; and to offer public services with equal access to all in accordance with the Code of Virginia.

Agency Vision

- ◆ The Fairfax County Circuit Court and Records strives to deliver the highest quality of services to our customers and to promote the professional growth of our staff through innovation, technology and the wise use of all available resources.

Agency Accomplishments

- ◆ First court in Virginia with a case management system in the mid-1980s.
- ◆ First court in Virginia with secure remote access – expanded dramatically in the mid-1990’s to include actual images of recorded documents.
- ◆ First court in Virginia to implement a Differentiated Case Tracking System.
- ◆ Recognized by the National Center for State Courts as a “successful” court in the book Courts that Succeed, 1990 .
- ◆ First court in the nation to automate the land records recording system.
- ◆ One of the first courts in the country to record land records electronically.
- ◆ First court in Virginia to automate the Probate System. Our Virtual Probate System won an award from the National Association of County Recorders Election Officials and Clerks in 2007.
- ◆ One of the first courts in the nation to provide potential jurors with the ability to complete their juror questionnaire on-line.
- ◆ High-tech courtrooms provide remote and secluded witness testimony, video advisement/arraignment, electronic evidence presentation and advanced assistive listening devices.

Agency Growth Since FY 2001



- ◆ **Growth in Expenditures:**
 - FY 2009: \$10.63 million - FY 2001: \$8.26 million
 - an increase of \$2.37 million or 28.63%
 - an average annual increase of 3.20%

- ◆ **Growth in Positions/Staff Year Equivalency (SYE):**
 - FY 2009: 161/161.0 - FY 2001: 161/161.0

- ◆ Expenditure growth is due to annual salary increases.

New Programs Since FY 2001



- ◆ The Circuit Court Clerk's Office has over 800 duties mandated under the Code of Virginia.
- ◆ These mandates involve time and procedural constraints that are legal and binding.
- ◆ The Clerk's Office does not have programs per se. The only processes that approximate a "program" are the Differentiated Case Tracking Program (DCTP) that was implemented for docket control and Neutral Case Evaluation (NCE) which is an alternative method of dispute resolution. The Supreme Court funds one NCE position in the amount of \$40,263.

Agency Strategic Focus



- ◆ **Create and Sustain Quality Customer Service.**
 - *Maximize Communication*
 - *Maintain Integrity of Records*

- ◆ **Develop Business Strategies to Meet Current and Future Needs.**
 - *Invest in Technology*
 - *Streamline Key Processes*

- ◆ **Acquire & Develop a High Quality Workforce.**
 - *Promote Education and Employee Development*
 - *Enhance Internal Communications*
 - *Practice Workforce Planning*

- ◆ **Maintain Fiduciary Responsibility by Code and GAAP (Generally Accepted Accounting Principles)**
 - *Optimize Resources within Budgetary Confines*

2009

Agency Strategic Initiatives

<p>Maximize Communication with Customers</p> <ul style="list-style-type: none">◆ Increase customer hours.◆ Expand electronic filing.◆ Provide on-line payment options.◆ Provide a user-friendly website.◆ Increase on-line publications.	<p>Maintain Integrity of Records</p> <ul style="list-style-type: none">◆ Enhance measurements that track errors and create procedures to fix them.◆ Maintain security plans.	<p>Invest in Technology</p> <ul style="list-style-type: none">◆ Increase imaging capabilities.◆ Increase court-wide e-filing options.◆ Automate additional processes (i.e. on-line marriage license applications.)
<p>Streamline Key Processes</p> <ul style="list-style-type: none">◆ Reduce customer wait times in lines, on phones, for appointments and for other processes.◆ Continuous process improvement.	<p>Promote Employee Development; Enhance Internal Communications, and Practice Workforce Planning</p> <ul style="list-style-type: none">◆ Write Individual Development Plans (IDPs) for all staff.◆ Expand staff use of intranet and infoweb.◆ Place all Circuit Court internal “how-to” procedures on intranet.◆ Create Succession Plans for key positions.	<p>Optimize Resources</p> <ul style="list-style-type: none">◆ Promote CPAN subscriptions.◆ Increase grants and gift funds.◆ Optimize resources.

Circuit Court and Records Revenue/Expenditure Summary

Category	FY 2000 Actual	FY 2001 Actual	FY 2002 Actual	FY 2003 Actual	FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual
Authorized Positions/Staff Years									
Regular	137/137	139/139	138/138	137/137	137/137	137/137	137/137	137/137	137/137
Exempt	23/23	23/23	24/24	24/24	24/24	24/24	24/24	24/24	24/24
State	15/15	15/15	15/15	15/15	15/15	15/15	15/15	15/15	15/15
Expenditures:									
Personnel Services	\$5,647,088	\$6,050,421	\$6,450,860	\$6,616,200	\$6,678,484	\$6,932,505	\$7,201,766	\$7,566,057	\$8,210,218
Operating Expenses	\$1,798,146	\$1,702,950	\$1,996,032	\$1,800,529	\$2,139,222	\$2,097,191	\$2,276,970	\$2,257,470	\$2,041,282
Capital Equipment	\$142,551	\$120,760	\$23,583	\$6,997	\$0	\$44,277	\$78,175	\$27,038	\$7,629
Total Expenditures	\$7,587,785	\$7,874,131	\$8,470,475	\$8,423,726	\$8,817,706	\$9,073,973	\$9,556,911	\$9,850,565	\$10,259,129
Income:									
Land Transfer Fees	\$31,848	\$34,229	\$36,299	\$38,926	\$42,880	\$68,923	\$36,533	\$29,232	\$26,328
Courthouse Maintenance Fees	\$5,516	\$5,708	\$5,785	\$5,494	\$5,391	\$5,820	\$5,183	\$4,742	\$4,576
Circuit Court Fines and Penalties	\$137,278	\$157,385	\$142,330	\$122,572	\$153,376	\$111,680	\$149,857	\$178,908	\$166,279
Copy Machine Revenue				\$51,459	\$77,188	\$77,189	\$78,831	\$70,756	\$86,971
County Clerk Fees	\$5,970,364	\$6,743,654	\$7,964,750	\$10,575,581	\$11,118,710	\$11,146,506	\$11,822,255	\$10,013,191	\$8,030,696
City of Fairfax Contract	\$52,960	\$65,498	\$90,079	\$75,056	\$89,785	\$1,655	\$3,797	\$49,660	\$89,816
Recovered Costs- Circuit Court	\$6,756	\$6,716	\$4,164	\$1,989	\$3,072	\$935	\$346	\$217	\$145
CPAN	\$68,943	\$67,210	\$17,254	\$49,593	\$136,822	\$217,318	\$212,823	\$413,348	\$410,848
State Shared Retirement - Circuit Court	\$89,104	\$91,080	\$93,281	\$83,967	\$87,622	\$89,787	\$93,486	\$101,246	\$102,731
Circuit Court Storage Fees	\$10								
Total Income	\$6,362,779	\$7,171,480	\$8,353,942	\$11,004,637	\$11,714,846	\$11,719,813	\$12,403,111	\$10,861,300	\$8,918,390
	\$1,225,006	\$702,651	\$116,533	-\$2,580,911	-\$2,897,140	-\$2,645,840	-\$2,846,200	-\$1,010,735	\$1,340,739
NET COST TO COUNTY 2000-2008									
	-8,595,897								



LOBS Summary Table:

FY 2008 Adopted Budget Plan Data

<i>Number</i>	<i>LOB Title</i>	<i>Net LOB Cost</i>	<i>LOB Number of Positions</i>	<i>LOB SYE</i>
80-01	Administration/Circuit Court and Records	\$1,883,526	22	22.0
80-02	Judicial Support	\$1,306,019	19	19.0
80-03	Civil Case Intake	\$563,305	24	24.0
80-04	Criminal Court Management	(\$323,345)	14	14.0
80-05	Civil Case Management	\$407,245	7	7.0
80-06	Court Records Management	\$591,984	12	12.0
80-07	Courtroom Case Management and Operations	\$1,405,463	21	21.0
80-08	Public Services	(\$112,257)	8	8.0
80-09	Probate	\$37,420	8	8.0
80-10	Land Records	(\$5,341,801)	24	24.0
80-11	Jury Management	\$121,494	2	2.0
TOTAL		\$539,053	161	161.0

LOBS Highlights:

LOB 80-01: Administration/Circuit Court and Records

- ◆ **What We Do:** Twenty two technical, professional and administrative staff provide the leadership, management and administrative skill necessary to promote public service, implement innovative technologies and best practices, administer budgetary, purchasing and financial oversight, as well as HR management, staff training, strategic planning and project management of special projects like the Courthouse Expansion, Balanced Scorecard and Succession Planning.
- ◆ **Who We Serve:** We serve and interact with the public, the staff, and other county and state agencies, the legal community, and the County and City of Fairfax.
- ◆ **Why We Do It:** We provide mandated services.
- ◆ **Benefits and Value of LOB:**
 - Provide efficient and effective service to the legal community and the general public.
 - Implement innovative technologies.
 - Support secure remote access through CPAN.
 - Practice corporate stewardship and fiscal responsibility.
 - Hire, develop, and retain superior staff.
 - Lead strategic planning, succession planning, and Balanced Scorecard efforts.
 - Ensure compliance with HR policy and procedures.

LOBS Highlights:

LOB 80-02 Judicial Support

◆ What We Do:

- **Law Clerks (15):** Each judge is provided with a law clerk. Law clerks perform legal research, orally brief judges on research as it applies to specific cases, review court orders for legal content, prepare written briefs on motions and complex trial issues; act as liaison between the public and the judge with regard to legal matters and scheduling certain issues; conduct scheduling conferences with attorneys and unrepresented parties; conduct dockets on Fridays for presentation of uncontested orders; and, function as court clerks during Friday Civil Motions hearings.
- **Administrative Assistants(4):** They provide executive-level secretarial support to 15 Circuit Court judges.

◆ Who We Serve: The public, attorneys, self-represented litigants, court staff, law enforcement agencies, and foreign judicial dignitaries.

◆ Why We Do It: To provide the judges with the resources to hear more cases in a timely and efficient manner.

For more information, please see FY 2008 LOBS Volume 1, Page 121.

LOB Highlights continue on next page.

LOBS Highlights:

LOB 80-02 Judicial Support, cont.

◆ Benefits and Value of LOB:

Law Clerks (15)

- Law Clerks conduct research to assist the judge in making legal determinations quickly and efficiently.
- Law Clerks enable prompt processing of court orders, including concealed weapons permits, name changes, uncontested divorce decrees and other agreed upon final orders, by reviewing the files to determine that all appropriate notices have been given in order to comply with due process, and that the order requested complies with existing law in content and in form.
- Law Clerks conduct scheduling conferences resulting in timely and efficient case hearings.

Administrative Assistants (4)

- Administrative Assistants process and coordinate 20-30 cases each morning during the calendar control docket. The calendar control docket allows parties to appear before a judge without prior appointment to ask for continuances or emergency hearings. Calendar control is available between 8:30-9:30 daily.
- Screen and determine whether matters brought by self-represented litigants and attorneys need to be brought before a judge.
- Monitor mandated time frames for certain cases, such as *Writs of Certiorari*, *Mandamus* and Administrative Appeals, to ensure compliance.
- In conjunction with the National Center for State Courts, secretaries provide the staff support to coordinate visits by foreign judicial dignitaries and also to host these dignitaries during their visit.

LOBS Highlights

LOB 80-03 Civil Case Intake

- ◆ **What We Do:** Twenty four clerks receive, receipt, index, and create case files for all new civil case filings within strict processing timelines and/or deadlines. This includes issuing subpoenas, orders of publication, and services to the Commonwealth of Virginia.
- ◆ **Who We Serve:** Citizens of Fairfax County and the City of Fairfax, judges, attorneys, title companies, other county and state agencies, and Circuit Court staff.
- ◆ **Why We Do It:** Mandated by the Code of Virginia.
- ◆ **Benefits and Value of LOB:**
 - Processed 14,478 civil case filings in 2007
 - Processed 724 garnishment case filings in 2007
 - Processed 2,471 concealed weapons permits in 2007
 - Issued 16,042 document services in 2007
 - Issued 4,593 subpoenas in 2007

LOBS Highlights:

LOB 80-04 Criminal Case Management

- ◆ **What We Do:** Fourteen clerks monitor and index criminal cases from initiation to disposition including felonies and misdemeanors, issue subpoenas, prepare records for Grand Jury and Criminal Term Day, process files after court hearings and collect and monitor fines, court costs and restitution. They also disburse restitution payments to victims, prepare court orders, calculate, monitor and collect payments of fines and costs for criminal cases, destroy criminal evidence and prepare criminal files that are appealed to the Court of Appeals and the Supreme Court of Virginia.
- ◆ **Who We Serve:** The public, judges, attorneys, other county and state agencies.
- ◆ **Why We Do It:** Mandated by the Code of Virginia to maintain safe and caring communities.
- ◆ **Benefits and Value of LOB:**
 - Processed 27,589 court orders in 2007.
 - Processed 8,700 subpoena returns in 2007.
 - Researched and responded to approximately 3,600 informational and FOIA requests in 2007.
 - Processed approximately 1,200 misdemeanor requests and returns in 2007.
 - Processed 4,800 felony requests and returns in 2007.
 - Collected approximately \$12,650,899.00 in fines, costs, and restitutions in 2007. (Per BR22 Report FY 2007 with restitution [CCR])

LOBS Highlights:

LOB 80-05 Civil Case Management

(Includes Differentiated Case Tracking Program [DCTP] , Neutral Case Evaluation [NCE] & Motions Docket)

- ◆ **What We Do:** Seven DCTP clerks provide mechanisms such as tightly controlled docket scheduling, case monitoring, and master calendaring to ensure that civil and domestic cases are concluded in a timely manner. NCE enlists volunteer senior level attorneys to hear settlement cases as an alternative method of dispute resolution and to reduce the court's docket. Pre-trial motions determine what evidence is presented in a case, whether a case will proceed, and enforces orders from prior cases.

- ◆ **Who We Serve:** Citizens, judges, attorneys

- ◆ **Why We Do It:** To reduce time from initiating a case until it is heard in court and to reduce the court's docket by resolving cases timely or narrowing the issues and enlisting alternate resolution methods prior to trial. To comply with Judicial Counsel guidelines. Guidelines include concluding civil cases within one year of the initial filing date and to conclude domestic cases within 15 months of the initial filing date.

- ◆ **Benefits and Value of LOB:**
 - FY 2008 – concluded 84.1% of Civil cases within one year of initial filing (state average is 75%)

 - FY 2008 – concluded 97.2% of Domestic cases within 15 months of initial filing (exceeds recommended disposition time by 6%)

 - Trial dates available as early as 4 months from initial filing.

 - Fairfax Circuit Court serves as a model for courts throughout Virginia, the nation and worldwide.

 - 70% of cases whose parties meet with NCE are disposed prior to trial.

 - Motions Docket resolves issues prior to trial resulting in settlement, faster resolution of complex issues, and shorter trials.

 - Cost and time savings to litigants.

LOBS Highlights:

LOB 80-06 Court Records Management

- ◆ **What We Do:** Twelve clerks preserve, safeguard, and provide access to all civil case records pertaining to matters brought before the court from time of filing to disposition of the case and archiving of the record at two separate locations. Employ appropriate techniques for time and type of records that require destruction which is based on a schedule provided by the Librarian of Virginia.
- ◆ **Who We Serve:** Serve the public, the legal community, the title examiners, the judges, Circuit Court staff and representatives of federal and county agencies.
- ◆ **Why We Do It:** Mandated by the Code of Virginia to provide quick access to records, protect the integrity and safety of the records and to archive the record for posterity.
- ◆ **Benefits and Value of LOB:**
 - Provide quick and often immediate and frequent access to records by the public at two locations.
 - House more than a million records dating back to 1931, 1600 boxes of court documents, and 1000 land and lien books with indexes at the off-site location.
 - Process, house and access more than 3500 records monthly at the Courthouse location.
 - Scan and index more than 32,000 civil orders yearly.
 - Monitor the retention time and provide appropriate destruction of records.

For more information, please see FY 2008 LOBS Volume 1, Page 127.

LOBS Highlights:

LOB 80-07 Courtroom Case Management and Operations

- ◆ **What We Do:** A courtroom clerk is assigned to each of the 15 judges and is trained to support the judges administratively in criminal and civil trials. They are the official record keepers and maintain detailed notes of trial proceedings which may later be used for appeals. They process and log all exhibits including weapons, drugs and cash admitted during a trial. They track jurors, administer oaths and assist in keeping the jury pool utilized. Outside the courtroom, the clerks write orders that reflect the details of the case and prepare orders for signature. They also prepare sentencing guidelines and submit vouchers for payment to court-appointed attorneys, interpreters, and *Guardian ad Litem*s. They are experts in code in order to ensure that proper procedure is followed in court and out (i.e. transporting prisoners and inmates to a hospital for evaluation.)

Four clerks also manage the court docket. They call each party on the docket at 4, 2, 1 week and 3 day intervals to determine whether cases have settled and know the exact status of cases at any given time. They maintain daily contact to keep the Chief Judge up-to-date on the daily civil docket. They review orders to determine if a case is final and set hearing dates for final order submittal.

- ◆ **Who We Serve:** Citizens, judges, attorneys, Sheriff's Department, Office of Probation and Parole, Alcohol and Drug Services and the Forensics Unit, State Police and Department of Corrections.

For more information, please see FY 2008 LOBS Volume 1, Page 128. **LOB Highlights continue on next page.**

LOBS Highlights:

LOB 80-07 Courtroom Case Management and Operations, cont.

◆ Why We Do It:

- Courtroom Clerks: To ensure that proper procedure is followed, to manage exhibits, to maintain chain of custody and assist judges both in and out of court by processing files and paperwork.
- Docket Clerks: To move cases along quickly and to avoid potential delays in trials.

◆ Benefits and Value of LOB:

- Provides support to judges by writing orders for more than 5300 felony cases and 2700 misdemeanor appeals resulting in 27,589 court orders. (2007)
- Provides administrative support to judges who hear the highest number of jury trial days per judge in the state. (45 days each per 15 judges) (2007)
- Records trial proceedings for possible use in an appeal to the Court of Appeals or the Supreme Court of Virginia.
- Controls the master docket to conduct trials quickly and eliminate cases from the docket which have been resolved.

LOBS Highlights:

LOB 80-08: Public Services

- ◆ **What We Do:** Eight clerks in the Public Services Department issue marriage licenses, notary commissions, and record financing statements and trade names.
- ◆ **Who We Serve:** The Public Services Department serves the citizens of Fairfax County and the City of Fairfax and other individuals who require services. It also provides information for title searchers, attorneys, and the business community and basic information about the courts to the general public.
- ◆ **Why We Do It:** Mandated by the Code of Virginia.
- ◆ **Benefits and Value of LOB:**
 - Provide more than 5500 marriage licenses yearly.
 - Provide over 3600 notary certificates yearly.
 - Record more than 3500 unique business names yearly.
 - Record more than 1000 Financing Statements yearly that serve the community by perfecting a security interest against a debtor in favor of a secure party. (Uniform Commercial Code Financing Statements.)
 - Verify and authenticate notary certificates that were initiated in Circuit Court.

For more information, please see FY 2008 LOBS Volume 1, Page 130

LOBS Highlights:

LOB 80-09 Probate

- ◆ **What We Do:** Eight clerks probate and qualify estates with or without a will, appoint testamentary trustees, guardians and conservators over minors or incapacitated adults and file wills for safekeeping.
- ◆ **Who We Serve:** Citizens of Fairfax County and the City of Fairfax and their families, legal and real estate communities, the Commissioner of Accounts, Board of Elections, Family Services, Division of Motor Vehicles and the VA State Police.
- ◆ **Why We Do It:** Mandated by the Code of Virginia. Provide family members or interested parties with qualification documentation to handle and make distribution of estates.
- ◆ **Benefits and Value of LOB:**
 - Virtual Probate provides immediate access to documents recording the transfer of real estate.
 - Fiduciary appointments are scheduled in less than 1 week.
 - In 2007, 1,372 wills were probated; 1,753 administrations were granted.
 - The clerk's staff handles 95% of probate cases eliminating a large case load from judges.

LOBS Highlights:

LOB 80-10 Land Records

- ◆ **What We Do:** Twenty four clerks record, preserve, safeguard and provide convenient access to all recorded documents and instruments pertaining to land, property, and all other matters brought before the Court; and to coordinate the retention, archiving and disposition of those documents in accordance with the Code of Virginia.
- ◆ **Who We Serve:** Citizens of Fairfax County, the City of Fairfax, the legal and real estate communities, mortgage companies, banks, the Commissioner of Accounts and other agencies including the Fairfax County Department of Tax Administration.
- ◆ **Why We Do It:** Mandated by the Code of Virginia.
- ◆ **Benefits and Value of LOB:**
 - Maintains and preserves more than 37 million Land Records, Public Services and probate records. These records are available to the public 24/7 through a secure subscription-based remote access system.
 - Uses an integrated workflow process with a single media and data storage system.
 - Maintains integrity of information with a sophisticated problem resolution system.
 - Complies with Virginia Information Technologies Agency (VITA) standards to ensure the highest level of security is maintained.

LOBS Highlights

LOB 80-11 Jury Management

- ◆ **What We Do:** Two clerks manage the jury process of Fairfax Circuit Court.
- ◆ **Who We Serve:** The public
- ◆ **Why We Do It:** Mandated by the Code of Virginia as an essential element in the administration of justice of a citizen's right to a jury trial.
- ◆ **Benefits and Value of LOB:**
 - Process over 36,000 jury questionnaires, of which 33% were answered on-line.
 - Provide 24/7 access for potential jurors to change their reporting date via phone or website.
 - Interact with courtroom staff to send appropriate number of jurors for the jury selection process in court.
 - Maintain a 100% juror utilization rate to minimize the impact on the personal and professional lives of the jurors.
 - Ability to scan juror questionnaires enables very small staff to manage a large and important process.
 - Provide an orientation program and amenities to create a professional and positive experience for jurors.

For more information, please see FY 2008 LOBS Volume 1, Page 134.

Agency Reduction Priorities

Reduction Summary

Priority Ranking	Reduction Description	Positions	SYE	Net Reduction
1	Exempt Limited Term	0	0.0	\$139,593
2	Overtime	0	0.0	\$130,319
3	Management Analyst II	1	1.0	\$68,086
4	Training Specialist III	1	1.0	\$78,401
5	AAIV	2	2.0	\$98,186
6	Law Clerks L-01	15	15.0	\$759,810
7	Court Clerks AAIV	7	7.0	\$376,502
TOTAL REDUCTION		26	26.0	\$1,650,897

Agency Reduction Priorities



Reduction Philosophy

- ◆ The courts are a primary function of government and should be adequately funded.
- ◆ The Clerk of the Court has over 800 mandated duties. The main duties currently being performed by the Circuit Court Clerk's office that are not mandated by the Commonwealth of Virginia are related to judicial support.
- ◆ Historically, the Circuit Court has processed between 20,000 to 22,000 new cases per year. In 2008, we project that 24,305 new cases will be commenced. This is more than a 7% increase over last year and a 10% increase over our historical average.
- ◆ In the mid-1990's, when the judges agreed to merge Judicial Operations into the Clerk's Office to help the County during a budgetary crisis, the major concern of the Judges and the Clerk was the potential of future budgetary cuts placing the budgetary interests of the Clerk's office directly against the budgetary interests of the Judges. A 15% cut in the Clerk's Office budget will create a major conflict between the needs of the judges and the needs of the Clerk's Office.
- ◆ The Clerk's budget provides the judges with 5 administrative assistants, 15 law clerks and 15 court clerks. The court clerks provide administrative support to the judges in civil and criminal cases, including the preparation of criminal court orders.

Continued on next page.

Agency Reduction Priorities



Reduction Philosophy, cont.

- ◆ The Attorney General of Virginia has opined that the Clerk of a Circuit Court does not have a mandated duty to provide judges with a court clerk in civil cases. See: 2003 Report of the Attorney General at page 60.
- ◆ The Attorney General of Virginia has also opined that the Clerk of a Circuit Court does not have a mandated duty to prepare criminal court orders for judges. See: 2005 Report of the Attorney General at page 78.
- ◆ The decision to make the proposed cuts is based solely on mandated vs. non-mandated duties.
- ◆ Realistically, certain jobs while not mandated will still have to be done. Therefore, staff from other areas of the clerk's office will be pulled from mandated duties to cover these non-mandated, but essential duties. As a result, the hours the Clerk's office will be open to the public will be significantly reduced.

LOBS Reduction Impact



Reduction 1: Eliminate Limited Term Exempt Staff LOB #80-01 Administration/Circuit Court and Records

Reduction: \$139,593

- ◆ These positions provide valuable agency-wide services at lower salaries. They relieve the merit staff from essential, non-mandated functions, providing the merit staff time to work on mandated tasks. They enable the agency the flexibility to move limited term staff to areas with the heaviest current workload and support an already lean merit staff.

Impacts:

- ◆ Affects the ability of the court to meet Code of Virginia mandates.
- ◆ Increases backlogs, causes untimely responses to public, loss of flexibility and reduction of quality service to internal and external customers.
- ◆ Eliminates coverage of reception desk in Judges' Chambers and administration offices.
- ◆ Delays civil case processes such as indexing new civil case filings, processing concealed handgun, expungement orders, name changes, rejected orders and copying signed orders.
- ◆ Causes delays in other areas of the court thus affecting the court docket, the judges and public accessibility when court records are not timely filed.

LOBS Reduction Impact



Reduction 2: Eliminate overtime.

LOB # 80-01 Administration/Circuit Court and Records

Reduction: \$130,319

- ◆ Overtime is used to complete work critical to the core functions of the court.

Impacts:

- ◆ Affects the ability of the court to meet Code of Virginia mandates.
- ◆ Increases backlogs, causes untimely responses to public, decreases flexibility and reduces quality of service to internal and external customers.
- ◆ Leaves judges without assistance when a trial goes beyond the normal work hours.
- ◆ Affects the potential juror pool when jury questionnaires are not processed according to the mandated timeframe.
- ◆ Delays criminal term day procedures and trial dates when Grand Jury indictments aren't processed on time.

LOBS Reduction Impact



Reduction 3: Eliminate 1 Management Analyst II

LOB #: 80-01 Administration/Circuit Court and Records

Reduction: \$68,086 Position Reduction 1.0/1.0 SYE

- ◆ The MAII coordinates all courtroom language interpreters, trains and manages law clerks and is instrumental in special projects like process redesign.

Impacts:

- ◆ Legal processes would be delayed because Judges would have to provide more oversight and instruction to staff.
- ◆ Eliminates oversight, coordination and liaison service to approximately 80 interpreters and courtroom staff. This may affect more than 3300 Spanish defendants and 427 defendants with other language requirements.
- ◆ May delay the scheduling of trials and endanger a defendant's constitutional right to a speedy trial because of the inability to timely schedule an interpreter.
- ◆ Eliminates training for law clerks resulting in law clerks who are unfamiliar with Circuit Court procedures.

LOBS Reduction Impact



Reduction 4: Eliminate 1 Training Specialist III **LOB #: 80-01 Administration/Circuit Court and Records**

Reduction: \$78,401 Reduction 1.0/1.0 SYEs

- ◆ The Clerk's office has only one Training Specialist. This position provides agency-wide services. The Training Specialist III is key to organizational training and development and is lead or project manager of special projects like process redesign, Balanced Scorecard and Succession Planning. This is the only position dedicated to these tasks.

Impacts:

- ◆ Eliminates trained facilitator and the only organizational development specialist on staff.
- ◆ Removes Balanced Scorecard lead and oversight.
- ◆ Creates gaps in staffs' knowledge, skills, and abilities and undermines succession planning.
- ◆ HR processes will not be backed up.
- ◆ Process redesign initiatives will be eliminated.
- ◆ Forward movement on strategic initiatives will be delayed.

LOBS Reduction Impact



Reduction 5: Eliminate 2 Administrative Assistants IV LOB #80-02 Judicial Support

Reduction: \$98,186, Position Reduction 2.0/2.0 SYEs

- ◆ Four administrative assistants provide executive-level secretarial support to 15 Circuit Court judges.

Impacts:

- ◆ Eliminating 2 of the 4 administrative assistants.
- ◆ Two administrative assistants would absorb all secretarial and reception duties for 15 judges.
- ◆ May need to eliminate tours and meetings with school and local groups and visiting foreign judicial dignitaries.
- ◆ Delays in processing opinion letters, scheduling hearings and response to public inquiries.
- ◆ Legal deadlines may not be met due to increased workload resulting in delayed judicial decisions.

LOBS Reduction Impact



Reduction 6: Eliminate All 15 Law Clerks LOB #80-02 Judicial Support

Reduction: \$759,810.00, Position Reduction 15.0/15.0 SYEs

- ◆ Fifteen law clerks do legal research, prepare oral briefings, review orders, write briefs and act as liaison between the public and the judge with regard to legal matters. One clerk is assigned to each of 15 judges.

Impacts:

- ◆ Dockets would increase, trials and resolution of cases would be delayed significantly due to the fact that the judges will need to spend additional time performing legal research, reviewing orders submitted by counsel and preparing for motions day hearings.
- ◆ Judicial decisions would be delayed because judge would need to take more cases under advisement.
- ◆ Disbursement of monies would be delayed due to longer length of time needed to enter court orders.
- ◆ Scheduling conferences may be delayed because the administrative assistants would have to refer legal questions directly to the judges instead of the law clerks.

LOBS Reduction Impact



Reduction 7: Eliminate 7 Courtroom Clerks - AAVs **LOB #80-07: Courtroom Case Mgt and Operations**

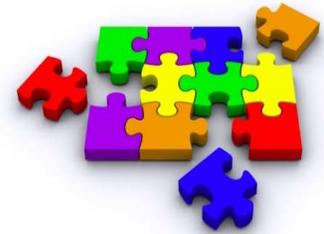
Reduction: \$376,502.00 Position Reduction, 7.0/7.0 SYEs

- ◆ The 15 courtroom clerks are the official record keepers in criminal and civil bench and jury trials. They provide administrative support to 15 judges in and out of the courtroom. There is no statutory obligation for the Clerk of Court to provide court clerks for civil proceedings. (See 2003 Report of the Attorney General at page 60.)

Impacts:

- ◆ There will be no courtroom clerks in civil trials.
- ◆ Eight remaining courtroom clerks will assume the responsibility of assisting 15 judges in criminal trials.
- ◆ In 2007, 14,478 civil cases were commenced and 12,000 were concluded. There will be a delay in scheduling and concluding civil trials because judges will need to absorb other duties such as recording the events of the trial and monitoring exhibits.
- ◆ Liability to the Clerk of the Court increases.
- ◆ Timely and accurate data input into case management system will be delayed.

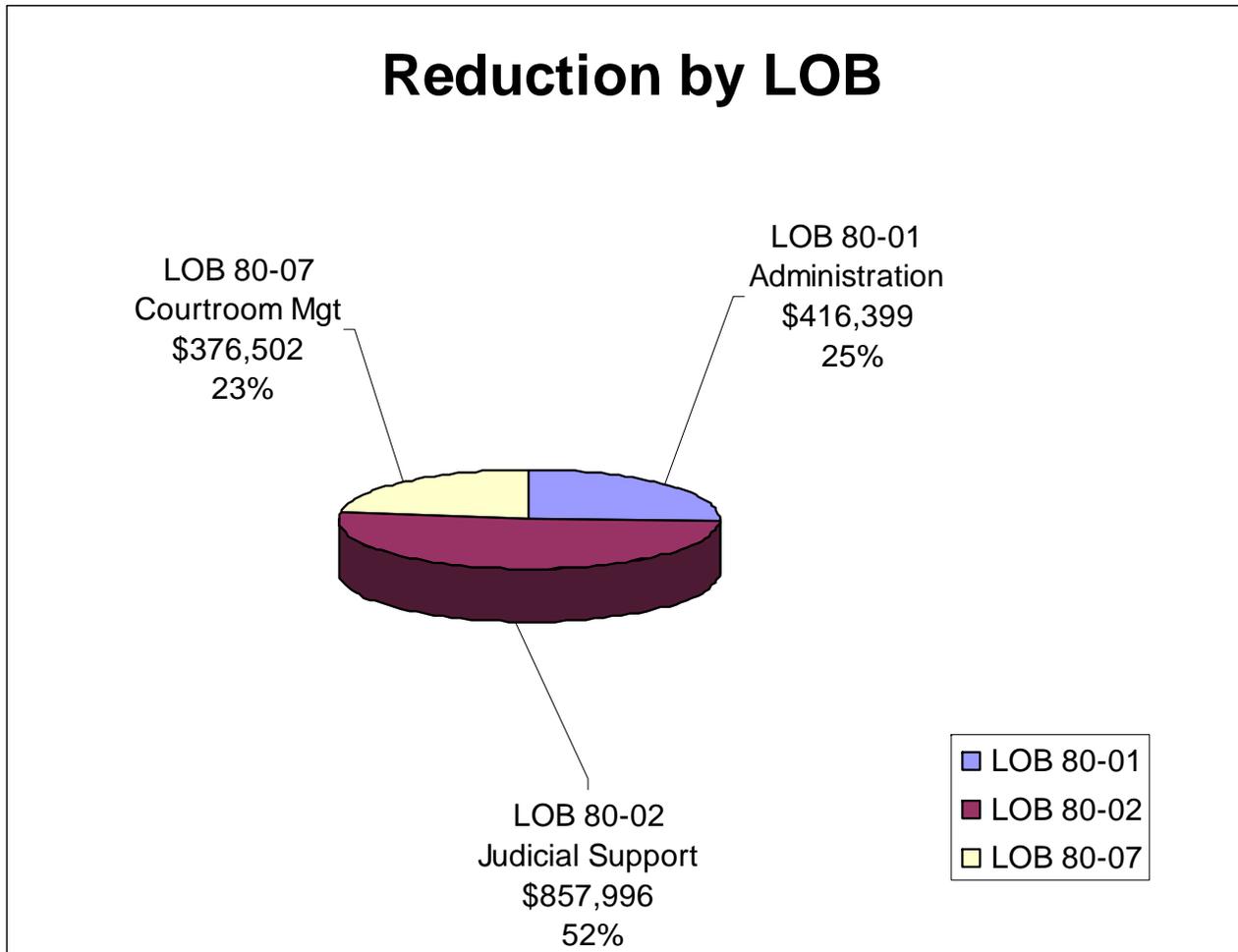
Agency Strategic Challenges



The Circuit Court would find it challenging to:

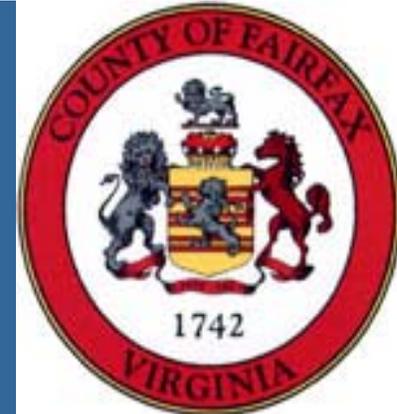
- ◆ Sustain over 800 statutory duties mandated by the Code of Virginia.
- ◆ Maintain current operating hours for the public. (counters and phones)
- ◆ Meet mandated times in which court documents must be processed.
- ◆ Meet speedy trial standards in criminal cases. (Defendant must be tried within five months of date of probable cause, indictment or arrest. § 19.2-243)
- ◆ Conclude cases in a timely manner. (Felonies – 120 days from date of arrest; misdemeanors within 60 days of arrest. Per the Voluntary Case Processing Guidelines set forth by the Judicial Council of Virginia.)
- ◆ Expand land records' electronic filing.
- ◆ Implement electronic filing for court cases.
- ◆ Satisfy increasing customer expectations with decreasing resources.
- ◆ Continue to collaborate with Fairfax Bar Association to update the Circuit Court Manual and to provide continuing education seminars.
- ◆ Enhance website content and interactive capabilities for the public, including on-line payment options.
- ◆ Develop IDPs (Individual Development Plans) for staff.

Agency Reduction Priorities



Questions and Answers





FAIRFAX CIRCUIT COURT BUDGETARY NEEDS FOR JUDICIAL OPERATIONS

December, 2008

Fairfax Circuit Court Workload

- 19,565 cases commenced in 2005
- 20,622 cases commenced in 2006
- 22,599 cases commenced in 2007
- 23,772 projected cases commenced in 2008
(based on statistics through 11/30/08)

2008 Fairfax Circuit Court Workload

20.8% increase in
4 years



TRIALS IN 2008

- 3,348 Civil nonjury trials
- 1,268 Criminal nonjury trials
- 113 Civil jury trials
- 225 Criminal jury trials

2007 Fairfax Circuit Court Workload

- Processed 32,300 Orders in civil cases
 - ✓ to ensure DUE PROCESS satisfied
 - ✓ to check that content of the Order is appropriate
 - ✓ to check that form complies with all statutory and common law requirements

Law Clerk Duties

- Review daily orders in civil cases
- Review Concealed weapons permits
- Review files to approve ore tenus divorce hearings
- Supervise Scheduling hearings
- Supervise 9:00 am uncontested Friday docket
- Prepare Orders in civil cases, as needed

Law Clerk Duties (cont'd)

- Serve as court clerk for Friday Civil Motions
- Field inquiries from public regarding status of Orders submitted for entry
- Communicate with attorneys and pro se parties when Orders are not in proper form

Law Clerk Duties (cont'd)

➤ LEGAL RESEARCH

- ❖ 1,126 civil motions heard per month
 - 25.25 “long briefs” per month
- ❖ Assist in preparation for motions in Criminal Cases
- ❖ Assist in preparation of letter opinions
- ❖ Assist with trial issues, as needed

LAW CLERKS IN FAIRFAX

➤ FAIRFAX (19th Circuit)

- 15 judges, 15 law clerks
- 965 civil cases per judge
- Conclude:
 - 47.6% of civil cases within 3 months
 - 63% of civil cases within 6 months
 - **85%** of civil cases within 1 year
 - 92.6% of civil cases within 18 months
 - 95.2% of civil cases within 2 years

LAW CLERKS IN OTHER JURISDICTIONS

➤ PRINCE WILLIAM (31st Circuit)

- 5 judges, 5 law clerks
- 811 civil cases per judge
- Conclude:
 - 63% of civil cases within 1 year
 - 72.7% of civil cases within 18 months
 - 78.2% of civil cases within 2 years

LAW CLERKS IN OTHER JURISDICTIONS

➤ ALEXANDRIA (18th Circuit)

- 3 judges, 3 law clerks
- 1,122 civil cases per judge
- Conclude:
 - 62.4% of civil cases within **3 months**
 - 82.1% of civil cases within **6 months**
 - 97.2% of civil cases within 1 year

LAW CLERKS IN OTHER JURISDICTIONS

➤ LOUDOUN (20th Circuit)

- 3 judges, 3 paralegals (permanent employees)
- 1,027 civil cases per judge
- Conclude:
 - 74.5% of civil cases within 1 year
 - 81.5% of civil cases within 18 months
 - 85.6% of civil cases within 2 years

LAW CLERKS IN OTHER JURISDICTIONS

➤ ARLINGTON (17th Circuit)

- 4 judges, 3 law clerks
- 389 civil cases per judge
- Conclude:
 - 64% of civil cases within 1 year
 - 76% of civil cases within 18 months
 - 81.9% of civil cases within 2 years

LAW CLERKS IN OTHER JURISDICTIONS

➤ VIRGINIA BEACH (2nd Circuit)

- 10 Judges
- 1 permanent and 3 temporary law clerks
- 720 civil cases per judge
- Conclude:
 - 71.2% of civil cases within 1 year
 - 79.4% of civil cases within 18 months
 - 83.3% of civil cases within 2 years

LAW CLERKS IN OTHER JURISDICTIONS

➤ RICHMOND (13th Circuit)

- 8 Judges, 3 law clerks
- 643 civil cases per judge
- Conclude:
 - 72.6% of civil cases within 1 year
 - 82.6% of civil cases within 18 months
 - 87.2% of civil cases within 2 years